

**MINUTES OF THE
BOARD OF COMMUNITY HEALTH MEETING
March 13, 2008**

Members Present

Richard Holmes, Chairman
Ross Mason, Vice Chairman
Kim Gay
Frank Jones
Dr. Ann McKee Parker
Raymond Riddle
Richard Robinson
Archer Rose

Members Absent

Dr. Inman “Buddy” English

The Board of Community Health held its regularly scheduled monthly meeting at the Department of Community Health, Fifth Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia. Commissioner Rhonda Medows was present. (An agenda and a list of Attendees are attached hereto and made official parts of these Minutes as Attachments #1 and #2). Chairman Holmes called the meeting to order at 10:37 a.m.

Approval of Minutes

The Minutes of the February 14, 2008 Meeting were UNANIMOUSLY APPROVED AND ADOPTED.

Committee Reports

Mr. Jones, Chairman of the Audit Committee, reported that the committee briefly discussed the Audit Committee Charter. A few typos were noted, and after corrected, the charter will be sent to the Board members for final approval at the next board meeting. The Committee also discussed Other Post Employment Benefits (OPEB) liabilities. Cavanaugh Macdonald Consulting gave an overview of OPEB to establish a base level of knowledge. Mr. Jones said OPEB discussions will continue in future meetings.

Ms. Gay, Chair of the Care Management Committee, reported that the Committee was given a CMO update, a Mental Health Services presentation, an overview of the CMS 416 Report (Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Report). The Committee also discussed House Bill 1234.

Commissioner’s Comments

Dr. Rhonda Medows, Commissioner of DCH, reported that the Governor met with the Appropriations Committee Chairs on March 10 and announced a revision in the revenue estimate for the state. The FY 08 impact was \$65 million in reductions; the FY 09 impact will be \$245 million in state fund reductions. There were no direct changes to the DCH budget in FY 08; in FY 09, the impact is \$66.4 million. Dr. Medows gave a summary of how these reductions will impact the Department.

Department Updates

Chairman Holmes asked Carrie Downing, Legislative and External Affairs Director, to give the legislative update. Ms. Downing said the DCH legislative packet includes only two bills; both originated in the House and have made crossover day. The first bill, House Bill 1222, relates to the Georgia Volunteer Health Care Program (GVHCP). This legislation amends the statute to allow DCH discretion over contracting with health care professionals sanctioned with serious board actions. The bill also requires the applicable licensing board to take action on special retiree licenses so the retirees can participate in the GVHCP. House Bill 1222 passed out of the House unanimously and passed out of the Senate Health and Human Services Committee unanimously.

House Bill 1328 relates to the State Health Benefit Plan Consumer Choice Option. This bill would allow the Department to move forward with its strategic plan to streamline by eliminating the Consumer Choice Option and offer more meaningful choices. The bill passed out of the House and has been assigned to the Senate Insurance and Labor Committee.

Ms. Downing also gave an overview of several bills that could impact the department.

- Senate Bill 338 – removes prior authorization for pharmacy benefits. The bill was tabled in the Senate Insurance Committee.
- Senate Bill 423 – removes prior authorization for mental health medications in the Fee-for-Service Medicaid program. This bill did not move out of Senate Rules.
- The Speaker's Tax Plan – this bill would eliminate the car tag tax, freezes tax assessments, eliminates state property taxes, but local property taxes remain. Tied to this bill is trauma care funding. If the tax plan is implemented, a \$10 dollar car tag fee will be added to fund the Trauma Care fund.
- House Bill 1234 – pertains to the Department's Care Management Organizations. It passed out of the House and has been assigned to the Senate Government Oversight Committee. Ms. Downing said a number of the provisions in this bill are already contained in the contract with the CMOs.

Chairman Holmes called on Clyde Reese, General Counsel, to begin an overview of the General Counsel Division. The General Counsel Division provides overall legal guidance for the Department. The Division draft rules and regulations for promulgation by the Board; represents the Division of Medical Assistance in Administrative Appeals; provides litigation support to the Attorney General's Office; is responsible for contract administration and drafting contracts in collaboration with business owners responsible for vendor procurements; develops policies and procedures for compliance with federal and state privacy laws and Georgia public records laws; provides legal oversight and advice for the State Health Benefit Plan; and oversees the States' Health Planning function. Mr. Reese called on senior members of his staff to give highlights of each unit and its functions. Suzannahlouise Lipscomb, Counsel for the State Health Benefit Plan, provides legal advice, counsel and guidance to the State Health Benefit Plan. Richard Greene, Counsel for Health Improvement Programs and the Office of Rural Health, provides legal research and policy support for these programs. Ruth Carr, Director of Compliance, handles privacy and security, public records and ethics issues. Clyde White, Director of Contracts, heads up the Contracts Administration Section which is responsible for creating and maintaining contract documents for the Department. Claudette Bazile, Director of Legal Services, heads the Legal Service Section which is comprised of three components: Medicaid Legal Services, Medicaid Provider Enrollment, and Georgia Better HealthCare Provider Enrollment. Mr. Reese concluded the presentation with an overview of the Division of Health Planning which administers the Certificate of Need (CON) Program; collects health care data; recommends rules and regulations to the Health Strategies Council and the Board of Community Health; reviews architectural plans for healthcare facilities; and provides staff support for the Health Strategies Council and the Health Planning Review Board.

Board members asked several questions. Chairman Holmes asked if the Department had a code of ethics, an employee acknowledgement of the code of ethics, and a compliance questionnaire that employees acknowledge that they have not witnessed, seen or been asked to do anything that will violate the code of ethics. Ms Carr stated that the Department has a code of ethics and an employee acknowledgement of the code of ethics. Mr. Holmes strongly suggested that the Department develop a compliance questionnaire.

Mr. Robinson said that for two consecutive years the Audit Letter to Management commented that the Department has not followed the contract review process on all contracts. He asked if the Department has an approach to review contracts to make sure that there is compliance by the contractor on all aspects of the contract. Mr. Jones said his comments are along the same line. He said this has been an independent audit finding for a couple of years. He stated that the Independent Auditors mentioned that the Department is implementing a risk-based approach to processing and analysis. He asked Mr. White if he was involved in the implementation of this approach. Mr. White answered that he was not directly involved since this was being handled by Vendor Management Section. Dr. Medows added that contracts monitoring had been a problem in the past, is being addressed and continues to be addressed. In 2005 DCH requested the Department of Audits and Accounts audit all contracts and procurements. The findings were addressed one by one. She said if one reviewed each of the findings reported in each subsequent independent auditors' report, one can see that the auditors noted improvement in the contracts process, improvement in the compliance, and that the processes have evolved over time to include more and more efforts to tightly control both the Department's oversight and the time it takes for the contract to go from an idea to actual execution. Chairman Holmes suggested to Mr. Jones that he may want to get more information from the Department about the contracts and vendor management process.

Dr. Parker noted the vacancies in the Division and asked if this was due to cost cutting measures or difficulties in finding qualified candidates. Mr. Reese answered that the vacancies were due in large part to employees leaving the Department and the lengthy process of filling the vacancies.

Mr. Robinson asked Mr. Reese what constitutes a quorum of this Board. Mr. Reese answered that a quorum is a majority of the members. Mr. Robinson asked what constitutes a quorum of a committee—is four not a majority? Mr. Reese indicated no. Mr. Robinson asked if the board could work by telephone if there were less than five members on the call. Mr. Reese said the board cannot have a meeting with less than a quorum and take any official action, but the board could have a committee meeting by teleconference as long as the committee brings the business or recommendations to the full board for official action.

Chairman Holmes asked again for clarification; if the board was to meet as a total board for information sharing and there was no official action taken, is that possible. Mr. Reese responded that if the board takes official action it must be done in an open meeting and must meet a quorum.

Chairman Holmes asked if the changes in the role of the Health Strategies Council had any impact on the effectiveness of the Council. Mr. Reese said the Council had some concerns about the changes in the role of the Council, but Dr. Dan Rahn, the Chairman of the Health Strategies Council, has done a very commendable job of communicating to the Council members how much their expertise is still available and needed even in an advisory role. (A copy of the General Counsel Division Presentation is attached hereto and made an official part of these minutes as Attachment # 3).

New Business

Chairman Holmes called for nominations for board secretary. Ms. Gay NOMINATED Frank Jones. Vice Chairman Ross Mason SECONDED THE NOMINATION. Chairman Holmes called for votes; votes were taken. Mr. Jones was elected Secretary of the Board by UNANIMOUS CONSENT.

Adjournment

There being no further business to be brought before the Board, Chairman Holmes adjourned the meeting at 11:41 a.m.

THESE MINUTES ARE HEREBY APPROVED AND ADOPTED THIS THE _____ DAY OF _____, 2008.

RICHARD L. HOLMES
Chairman

Secretary

Official Attachments:

- #1 List of Attendees
- #2 Agenda
- #3 General Counsel Division Presentation